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PO Box 1450, Alexandria, VA 22313-1450, on

April 18, 2007

BEYER WEAVER, LLP

By: /Tara Hayden/  
Tara Hayden

Atty Docket No: UCOT-P084X1D2  
Client Ref: 1995-276-3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

JAMES D. MARKS, and ROBERT SCHIER

Application No: 10/092,640

Filed: March 5, 2002

For: NOVEL HIGH AFFINITY HUMAN  
ANTIBODIES TO TUMOR ANTIGENS

Examiner: Christopher H. Yaen

Art Unit: 1642

Confirmation No: 1369

**DECLARATION UNDER 37 C.F.R.**  
**§1.132**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I James D. Marks hereby declare:

I, together with Robert Schier, Ellen J. Wolf, Gerald Apell, Cindy Wong, John E. McCartney, Michael A. Bokman, James S. Huston, L.L. Houston, Louis M. Weiner, and Gregory P. Adams, was author of the Article entitled, "In vitro and in vivo characterization of a human anti-c-erbB-2 single-chain Fv isolated from a filamentous phage antibody library, published in the Journal *Immunology* (Shier *et al.* (1995) *Immunology*, 1: 73-81), which I understand was cited as a 35 U.S.C. §102(a) reference in the above-identified patent application.

James D. Marks, and Robert Schier are the sole inventors of the subject matter which is disclosed in the above-identified article and which is disclosed and claimed in the above-referenced patent application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine

Page 2

or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated 4/15/07

  
James D. Marks

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